

JEG:CAC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

**111-098**

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UNITED STATES OF AMERICA

- against -

LUCIO MORA-PEREZ,

Defendant.

SEALED COMPLAINT AND  
AFFIDAVIT IN SUPPORT  
OF APPLICATION FOR  
ARREST WARRANT

(T. 8, U.S.C., §§  
1326(a) and 1326(b)(1))

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EASTERN DISTRICT OF NEW YORK, SS:

BRYAN FLANAGAN, being duly sworn, deposes and states that he is a Deportation Officer with United States Immigration and Customs Enforcement ("ICE"), duly appointed according to law and acting as such.

On or about November 22, 2010, within the Eastern District of New York and elsewhere, the defendant LUCIO MORA-PEREZ, an alien who had previously been arrested and convicted of a felony, and was thereafter removed from the United States and who had not made a re-application for admission to the United States to which the Secretary of the United States

Department of Homeland Security had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326(b)(1)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

1. I am an Immigration Enforcement Agent with ICE and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the ICE investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about November 22, 2010, the defendant LUCIO MORA-PEREZ was interviewed by the Administration for Children's Services ("ACS") after a domestic complaint was filed against him with the New York City Police Department ("NYPD"). Upon interviewing the defendant LUCIO MORA-PEREZ, ACS determined that the defendant had previously been deported after a conviction for a felony. Upon learning this information, ACS

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<sup>1</sup> Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

contacted ICE officials who took the defendant into ICE custody.

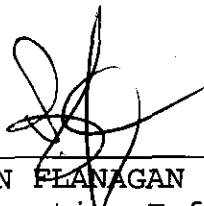
3. ICE officials determined that on or about June 24, 2003, the defendant LUCIO MORA-PEREZ pled guilty in Queens County Supreme Court to Attempted Robbery in the Third Degree and Assault in the Third Degree, in violation of Sections 160.05 and 120.00(1) of the New York State Penal Code. Attempted Robbery in Third Degree is a felony offense for which the defendant was sentenced to a term of imprisonment of 6 months.

4. ICE officials also determined that on or about November 3, 2003, the defendant LUCIO MORA-PEREZ had been removed from the United States pursuant to an Order of Removal. ICE officials further determined that the defendant LUCIO MORA-PEREZ subsequently attempted to enter the United States on April 17, 2008 and May 16, 2008, but was immediately deported.

5. An ICE official with fingerprint analysis training compared the fingerprints taken by ICE on or about November 22, 2010 when the defendant LUCIO MORA-PEREZ was taken into ICE custody; the fingerprints taken in connection with the defendant's November 3, 2003 removal; and the fingerprints taken in connection with the defendant's arrest in connection with his June 24, 2003 conviction, and determined that all three sets of fingerprints were made by the same individual.

6. A search of ICE records revealed that there exists no request by the defendant LUCIO MORA-PEREZ for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, Your deponent respectfully requests that an arrest warrant be issued for the defendant LUCIO MORA-PEREZ, so that he may be dealt with according to law.



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BRYAN FLANAGAN  
Immigration Enforcement Agent  
United States Immigration and  
Customs Enforcement

Sworn to before me this  
28th day of January, 2011



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S/Reyes